

original A.F.O., ATTW S- Rethkum
cc mine file
Waldock
Helsbach

United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

0076

November 27, 1991

Permit: ACT/007/005
Mine Name: Skyline

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

RECEIVED

DEC 02 1991

DIVISION OF
OIL GAS & MINING

Dear Mr. Braxton:

Federal Ten-Day Notice 91-02-244-9 is being issued for a violation that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 11/15/91; Date of LSCI: 9/25/91

The determination that the State did not cite the violation is based on one or more of the following reasons:

____ The condition was identified in a State inspection report but no State enforcement action was taken.

____ Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.)

☒ Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.)

____ Site conditions indicate that the violation(s) noted had been in existence at the time of, or prior to, the last State complete inspection.

____ Other (Give explanation).

Mr. Lowell P. Braxton

2

Indicate below the Division's reason(s) for not citing the alleged violation:

☐ Not a violation

☐ Precluded by State policy

☐ Not included under State program

☐ Warning given in Lieu of a Citation

☐ Violation not recognized (missed)

☐ Practice allowed under approved permit

☐ Too minor to cite

☒ Working with operator to correct via submitted program amendment

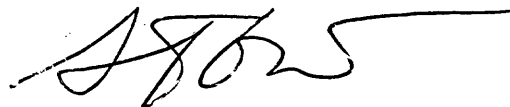
☐ Other: _____

Signature Lowell P. Braxton

Date 12-2-91

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure

This issue was previously inspected by OSM, and not raised. Based upon the agreement reached with OSM during the November 5th, 1991 discussions, OSM agreed to categorize this as a "nurtured miss" and not list in the LSCI category for oversight.